

REMARKS

Claim 1 has been amended to clarify that the claimed composition is a soft solid (see for example, the Abstract at page 1, line 20); to correct an obvious error regarding the ratio of organic wax to block copolymer (that the ratio was reversed is obvious from dependent claims 18 and 19, as well as the text at page 16, lines 20 to 23); and to incorporate the requirement that the total amount of auxiliary oils, if any, in the composition is not greater than 15% by weight of the total weight of the carrier liquid (see the specification at page 24, lines 26 to 29). Claim 19 has been amended to correct a typographical error.

The election of the Group I claims (claims 1 to 35) is confirmed. The Group I claims describe a cosmetic composition that comprises components that include a particulate antiperspirant active; the Group IV claim (claim 44) describes a method of controlling perspiration comprising applying topically to skin the claim 1 composition. The claims are related as product and method of using the product. It is respectfully submitted that prosecuting the Group I and Group IV claims in a single application would not impose an undue searching burden on the Examiner. Accordingly, the Applicants confirm the traversal of the restriction requirement as regards the Group I and Group IV claims and request reconsideration thereof. With respect to the Group II and Group IV claims, the traversal of the restriction requirement is withdrawn.

Pursuant to the Office Action of March 31, 2005, claims 1-31 and 33-35 stand rejected under 35 U.S.C. §103(a) as unpatentable over US 6,403,070 (Pataut et al.) in view of US 5,221,534 (DesLauriers et al.). Additionally, claims 1-35 stand rejected under 35 U.S.C. §103(a) as unpatentable over DesLauriers et al. in view of US 5,750,096 (Gusky). In view of the remarks that follow, reconsideration and allowance of the application, as amended, is respectfully requested.

Antiperspirants in the form of soft solids are commonly dispensed from a container having a number of apertures. As the composition is squeezed or otherwise advanced through these apertures, its micro-structure adjacent to the aperture boundary is disrupted such that the viscosity of the composition is locally reduced. Put another way, as the soft solid is dispensed, it forms a separate liquid or fluid phase in the vicinity of the container apertures. Having been disrupted, the micro-structure generally does not reform to a significant extent or re-forms very slowly. As a result, antiperspirant compositions in the form of soft solids are frequently observed to "weep" or otherwise seep out of the container for some time after the product is applied. Owing to the rather slow release of residual pressure typical of many dispensers, product seepage often does not appear until some period of time after application. Thus, even if the dispensing surface is wiped directly after product use, seepage can still occur. The term for this phase separation phenomenon is "syneresis".

One approach to the problem of unwanted product release is to engineer the dispenser in a way that takes syneresis into account; however, modifying a dispenser can be costly and, from an engineering perspective, complicated. Another approach focuses on modifying the rheology properties of the composition. The compositional approach gives rise to problems such as retaining ease of dispensing (the product must be able to pass through the dispenser apertures with the application of mild pressure) as well as retaining composition efficacy. Prior to this invention, there remained the need for a soft solid antiperspirant composition that met these criteria.

Pursuant to this invention it was found that by employing specified proportions of a particular mixture of carrier liquid and structurant (*i.e.*, a carrier liquid comprising a mixture of a hydrocarbon oil and an aromatic ester oil, and a structurant comprising a di or triblock alkylene/arylene block copolymer and an organic wax) and limiting the amount of auxillary hydrophobic oil, if any, present, one could produce antiperspirant compositions in the form of soft solids having desirable antiperspirant efficacy which compositions reduce or eliminate the problem of syneresis.

Pataut et al. is directed to anhydrous deodorant compositions comprising at least one deodorant active agent, at least one block copolymer, at least one fat-absorbing substance, and at least one synthetic oil. In the March 31, 2005 Office Action it is noted that this patent does not teach the use of aromatic ester oils in the deodorant compositions therein described. Applicants further point out that there is nothing in Pataut et al. that discloses or addresses the issue of soft solid syneresis, let alone offers a solution to the problem. The absence of an aromatic ester oil in the compositions disclosed by Pataut et al. is not a minor difference, but a key difference between the compositions disclosed by that patent and the compositions of the subject invention.

As demonstrated by the data provided in the subject application, the inclusion of an aromatic ester oil is a critical element in providing soft solid compositions that reduce or overcome the problem of syneresis. Comparative examples CP9 and CP10 of the subject application are compositions that contained, in addition to the hydrocarbon oil incorporated as part of the Transgel block copolymer component, mineral oil (CP9) or isoparaffin (CP10), and an organic wax, **but which lacked an aromatic ester oil**. Both CP9 and CP10 were shown to have unacceptable syneresis. In contrast, Example 3, which contained benzoate oil, hydrocarbon oil (incorporated as part of the Transgel block copolymer component) and organic wax passed the syneresis test of the subject application. For ease of comparison, CP9, CP10 and Example 3 are reproduced in the Table below.

By way of further comparision, it is noted that CP10 is compositionally similar to Example 1 of Patuat et al. Like CP10, Example 1 of Patuat et al. contained an isoparaffin (in Patuat et al., a combination of isohexadecane and isododecane), a block copolymer in a hydrocarbon oil carrier, organic wax (i.e. hydrogenated castor oil), and an antiperspirant active. The Examiner is referred to the patent for further details regarding Example 1 of Patuat et al. It is respectfully submitted that the data provided in the subject application demonstrates the superiority of the aromatic ester oil-

containing compositions of the subject application to compositions similar to those disclaimed in Patuat et al., which lack an ester oil; i.e. the data demonstrates that an ester oil is an essential component of the subject compositions.

DesLauriers et al. is directed to health and beauty compositions in gel form, comprise a hydrocarbon oil and block copolymers as therein described. At column 6, lines 38 to 44, the patent discloses that:

Solvents which may be added to dilute the gel and form lotions and other flowable compositions comprise isopropyl myristate, isopropyl palmitate, silicones, organic esters, and the like. The commercially available Finsolve TN TM is a particularly preferred solvent. Finsolve TN TM is a benzoate C<sub>12</sub> – C<sub>15</sub> ester available from Finetex, Inc., Elmwood Park, N.J.

DesLauries et al. is silent about the employment of an organic wax as required by the subject claims. Again, the data in the subject application demonstrates that an organic wax is an essential component of the subject compositions. Compare CP8 which lacked an organic wax, with Example 12, which contained an organic wax. See the Table below.

The combination of Patuat et al. and DesLauriers et al. is mere hindsight suggested only by this invention. Not only do both patents fail to discuss the problem of syneresis, there is nothing in either citation that would motivate one skilled in the art looking to address the problem of syneresis to incorporate the aromatic ester oil of DesLaureirs into the compositions of Patuat et al. to produce soft-solid compositions that reduce or eliminate syneresis. In fact, the disclosure of DesLauries et al. that organic esters may be used to dilute the gel and form lotions and other flowable compositions, if anything, would seemingly teach away from inclusion of such additives as a means of producing semi-solid antiperspirant compositions in which syneresis is reduced or eliminated.

Gusky is directed to sold sticks recognized to be firm compositions rather than soft solids. Firm sticks do not suffer from the problem of pressure-induced syneresis. One skilled in the art looking to solve the problem of syneresis in soft solids would not be motivated to consult Gusky. Accordingly, it is submitted that the combination of Gusky and DesLauries et al. is mere hindsight suggested only by this invention.

In light of the above amendments and remarks, it is respectfully requested that the subject application be allowed to issue.

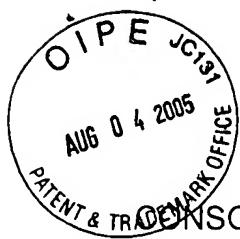
If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,



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**TABLE**  
**CONSOLIDATION OF EXAMPLES E3 AND E12 AND COMPARATIVE**  
**EXAMPLES CP9, CP10 AND CP 8 OF THE SUBJECT APPLICATION**

Comparison/Example No.	E3	CP9	CP10		CP8	E12
Ingredients	% by weight					
AZAG (7)	25.5	25.5	25.5			
AACH (11)					25.5	25.5
Isoparaffin (18)			36.5			
Mineral oil (19)		36.8				
Benzoate oil (12)	26.8				44.7	27.3
Castor wax (13)	5.625	5.625	5.625			9
glycol ester wax (14)	1.875	1.875	1.875			3
Transgel 110 (16)	40.2	30.2	30.2		29.8	35.2
Characterization						
Syneresis Score	N6C	S5C	SC4		S1C	N6C